

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACK HAGANS,

Plaintiff,

vs.

**INTEGRATED PRODUCTION
SERVICES, INC., AND WARRIOR
ENERGY SERVICES CORP.,**

Defendants.

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Docket No. _____

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JURY TRIAL DEMANDED

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ORIGINAL COMPLAINT

SUMMARY

1. Plaintiff Jack Hagans (“Plaintiff” or “Hagans”) files this Original Complaint against Defendants Integrated Production Services, Inc. and Warrior Energy Services Corp. (collectively, “Defendants”) to recover the unpaid overtime wages owed to him under the Fair Labor Standards Act (“FLSA”). Specifically, Defendants violated the FLSA by misclassifying Hagans as exempt from the overtime requirements in order to avoid properly compensating him for all the hours that he worked in excess of 40 hours a week.

JURISDICTION & VENUE

2. This Court has jurisdiction over the subject matter of this action under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

3. Venue is proper under 28 U.S.C. § 1391 since a substantial part of the events giving rise to this claim occurred in this District and Division.

PARTIES

4. Hagans was employed by Defendants during the relevant statutory time period as a coil tubing operator. He regularly worked in excess of 40 hours a week without receiving overtime pay calculated in accordance with the requirements of the FLSA. His written consent is attached as Exhibit A.

5. Defendants may be served through their registered agent: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

FACTUAL ALLEGATIONS

6. Hagans worked for Defendants in the oilfield as coil tubing operator. As a coil tubing operator, Hagans was required to work in excess of 84 hours a week for weeks at a time. He was paid a salary and a day rate for the work he performed. Even though Hagans regularly worked in excess of 84 hours a week, Defendants treated Hagans as an exempt employee and failed to pay him any overtime compensation.

7. Hagans is not exempt from the FLSA. His duties fail to meet any of the relevant tests under any of the narrowly construed exemptions. Recognizing that he was misclassified, Hagans was reclassified as non-exempt beginning in 2013. After his reclassification he began receiving overtime pay for performing the same or similar duties that he performed when he was treated as exempt. However, Defendants failed to pay Hagans for the time that he was improperly classified as exempt. This lawsuit follows.

CAUSE OF ACTION
Violation of the FLSA

8. Hagans incorporates the preceding paragraphs by reference.

9. At all relevant times, Defendants have been an employer engaged in interstate commerce and/or the production of goods for commerce, within the meaning of the FLSA.

10. Defendants employed Hagans during the relevant statutory time period.

11. Defendants' pay policy denied Hagans overtime compensation at the legal overtime rates required by the FLSA.

12. Defendants failure to pay Hagans overtime at rates not less than one and one-half times his proper regular rate violates 29 U.S.C. § 207.

13. The foregoing conduct constitutes a willful violation of the FLSA. Due to Defendants FLSA violations, Hagans is entitled to recover from Defendants their unpaid overtime compensation, liquidated damages, reasonable attorney fees, costs, and expenses of this action.

JURY DEMAND

14. Hagans demands a trial by jury.

PRAYER

WHEREFORE, Plaintiff prays for:

- a. A judgment against Defendants awarding Plaintiff all his unpaid overtime compensation and an additional, equal amount, as liquidated damages;
- b. An order awarding attorney fees, costs, and expenses;
- c. Pre- and post-judgment interest at the highest applicable rates; and
- d. Such other and further relief as may be necessary and appropriate.

Respectfully submitted,

By: /s/ Michael A. Josephson

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